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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,886	01/23/2004	Kathleen M. Frigon	MFCP.110228	6020

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EXAMINER

WIENER, ERIC A

ART UNIT	PAPER NUMBER
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2179

MAIL DATE	DELIVERY MODE
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02/02/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/763,886	Applicant(s) FRIGON ET AL.	
	Examiner Eric Wiener	Art Unit 2179	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 January 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-3, 7-10, 12-16, 20, 22-30 and 32-35.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Eric Wiener/
 Examiner, Art Unit 2179

Continuation of 11. NOTE:

1. The Applicant has argued that: Turning first to the claimed "first presentation area," Weiner fails to teach a presentation area presenting "one or more group titles" and a "set of items in accordance with said groups to the user." The only "set of items" that presented by Figures 4A-4C are shown in the headline pane 414. Headline pane 414, however, cannot be the claimed "first presentation area" because it does not present the items in groups with group titles. Likewise, panes 402 - 408 cannot be the claimed "first presentation area" because these panes display keywords used for filtering the items, not the underlying items divided into groups. Therefore, Weiner fails to teach the claimed "first presentation area."

In response to this argument, the Examiner respectfully disagrees. Please refer to the rejection of claim 1, and to area 414 of Fig. 4A, which is described in column 15, lines 44-46 as being a "headlines panel [that] depicts [] document titles for documents containing one or more of the information units which have been selected." This has been interpreted as sufficiently corresponding to presenting at least a portion of items in accordance with groups, because the headline titles have been interpreted as corresponding to portions of items that are presented to the user. These headline titles thus also include at least a portion of one or more of the group titles, because the inclusion of such group titles in the headline titles are what cause the entire headline title to be displayed.

2. The Applicant has argued that: Weiner also fails to teach the claimed "second presentation area," which requires "a listing of said one or more group titles" and an indication of "which of said groups contain one or more items currently visible to the user in said first presentation area."

In response to this argument, the Examiner respectfully disagrees. Please refer to the rejection of claim 1, and to areas 402, 404, 406, and 408 of Fig. 4A, which are described as being "analysis panels" that "depict a particular subject field" in column 14, lines 57-62. Furthermore, column 15, lines 38-41 describes that these analysis panels "are recalculated to depict the information unit statistics for only those documents in the solution set which contain information units having the particular selected fields." Therefore, this has been interpreted as sufficiently corresponding to a type of listing of group titles that indicates which groups contain items currently visible in such areas as a headlines panel area.

3. The Applicant has argued that: Weiner fails to teach secondary filters that are displayed "incident to user selection of one of said one or more primary filters." Rather, Weiner's filters are all primary filters, not filters displayed incident to selection of a primary filter.

In response to this argument, the Examiner respectfully disagrees. Please refer to the rejection of claim 1, and to column 15, line 47 - column 16, line 5, which discloses that "Selecting one or more information units from different information panels causes several filters to be applied to the documents. Thus, the visualization process filters out all documents that do not contain the combination of selected information units and then recalculates each information panel to show the information unit statistics for only those documents containing all of the selected information units." Therefore, the act of filtering out and thus recalculating the various information panels sufficiently serves as a means for recalculating and redisplaying other (i.e. secondary) filters incident to a selection of a primary filter.